

MR. ROBINSON: It was my understanding--I stand corrected--as the chairperson of Style and Drafting completed the reading of each section, that it would be so moved and adopted, and then we could proceed.

MR. BALDWIN: Yes, I just informed her. I also informed her if she had discovered any inconsistencies in these sections, to call it to our attention and let us know what she is changing, and what else.

MR. ROBINSON: Thank you, sir.

MR. BALDWIN: Delegate Robinson is right.

MS. GRAHAM: I move the adoption of Section 1, Judicial Power.

VOICE: Second.

MS. FREEMAN: I would like to move an amendment to Section 1, on line 4, that we add, after "inferior," "and appellate courts as may be established by law."

MR. BALDWIN: Evidently, Delegate Freeman, you were out of the room when we had the discussion around amendments. We read the rules and they were interpreted, and we reached agreement as to procedure. One may not amend unless the following exists: No. 1, it would be an amendment that went before the committee prior to bringing it out of committee before for first reading, unless the chairman of that

particular committee, which is Delegate Blount, would waive that and say I will allow a delegate to bring forth an amendment. That's the procedure.

MS. FREEMAN: What do you mean by "bring before the committee"?

MR. BALDWIN: In other words, when they were in session prior to first reading, you would approach them with an amendment; if they for some reason were to refuse it, whatever that reason would be, and you didn't get a chance at first reading to get yours in, then it would be in order.

Delegate Blount has accepted one amendment tonight, he has waived, but it had to go to his committee, and he has to decide whether he wants to waive any amendment to this group, and that is following our rules. And, you know, it had to be in writing and circulated in [inaudible].

MS. FREEMAN: It's been circulated.

MR. BALDWIN: Mr. Blount, I will have to ask your position on it.

MR. BLOUNT: We have discussed this issue very thoroughly, and this would only result in the possibility of [inaudible], so I would definitely not waive the requirement.

MR. BALDWIN: Delegate Schrag?

MR. SCHRAG: Mr. President, I think you have ruled

correctly, but I would like to reiterate for Delegate Freeman's benefit, and for the record, the statements that I made at the end of the first reading concerning the interpretation of this article.

It should be noted that under Section 1, the state may establish inferior courts--the legislature may establish inferior courts. There is nothing in this article that would prevent the state from giving the Superior Court of the state jurisdiction to hear appeals from those inferior courts, as is done in many states, and in effect creating a three-tier system, if the legislature wants to.

However, the two constitutional courts would be the two top courts of those three tiers.

So there is nothing in this system that utterly leaves out the kind of system that Delegate Freeman is interested in, but they are not established by the Constitution.

MS. FREEMAN: Thank you.

MR. BALDWIN: All of that might be very true, and I wouldn't doubt it at all, but the chair of that committee has ruled, and we are bound by that. The body agreed earlier that we would follow the rule, so let's please move on and follow the rule. Mr. Blount said no, he had checked with

his committee. And this body can't in turn then force Mr. Blount to say yes.

You may proceed. Yes, Mr. Love.

MR. LOVE: Are we going to adopt this section by section?

MR. BALDWIN: I suggest that we do that, and Delegate Robinson made a motion that we do that. And that was our procedure in first reading.

So it's the will of the body, but we have used that procedure successfully, and I would think we would go section by section.

MR. LOVE: I guess my point of information is that people will be able to speak for or against for each section, right?

MR. BALDWIN: They have been doing it, yes. But very little can change, you understand, if the chairperson did not accept an amendment to it, okay?

MS. GRAHAM: I move, Mr. President, that we accept the Section 1, Judicial Power, of the Judiciary report.

VOICE: Second.

MR. BALDWIN: It's been moved and properly seconded that we adopt Section 1, Judicial Power.

Discussion? Delegate Corn?

MS. CORN: There is one thing in Delegate Schrag's logic that will not hold. While it is true that in the first ---

MR. BALDWIN: Delegate Corn, please, we are not speaking of Delegate Schrag; we are speaking to the motion to adopt. Delegate Schrag's amendment is not on the floor at this point.

MS. CORN: It's not an amendment.

MR. BALDWIN: Whatever it was, it is not on the floor at this point and is not germane, so we would like to proceed. You should either be speaking to whether you want to accept or adopt this section--that's all that is on the floor.

Delegate Harry Thomas.

MR. THOMAS: Mr. Chairman, as a member of the Judiciary Committee, when we were drafting an article, we started at 3.1, 3.2, and all the way down the line, and when we get it back from Style and Drafting, the numbers that we assigned to each section have been eliminated. So therefore it gives me a problem to really find out the wording that we had in the existing sections, like in Section 3.6, 7, and 8; in this document they have changed it all over--the whole thing has been changed in the tenure section.

So therefore we can't quote by what was on the floor at first, because it come back to us all revised differently.

MR. BALDWIN: The subject matter is the same, but this body gave Style and Drafting that right; they have a right, in order to be consistent, to change the numbers and, you know, have things conform.

MR. THOMAS: Well, I think the body should have had the power to change rather than for them, because now, looking through the document, you can't find what you did at first.

MR. BALDWIN: Delegate Graham, would you respond?

MS. GRAHAM: I will try to help you as we go along. When we say "Section 1, Judicial Power," I have the original that we worked from, and it's 3.1. So the next time, maybe what I will do is call your attention to the original one, and then switch to the one you are working with right now.

MR. BALDWIN: I think that would be very helpful.

MS. GRAHAM: Thank you kindly.

MR. BALDWIN: Delegate Rothschild?

MR. ROTHSCHILD: Mr. President, I would like to speak very strongly against adopting Section 1. I know many times I have spoken before this Convention and people think that I am, you know, throwing things out just to hear myself

talk. Possibly on some occasions I may have. But on this particular section, I really think we have a serious problem with the Constitution. I have spoken to other lawyers, or two lawyers, I have spoken to people who have been clerks for the judicial system, and every opinion that I have gotten so far from a professional person on this item seems to think that we are making a grave mistake by having a two-tier system.

For one thing, they point out the fact that if we have nine Supreme Court justices that this article provides for, and we want to establish a three-tier system, we have overloaded ourselves with Supreme Court justices when we could be doing with five.

Most people have also pointed out to me--and I will mention that among those people have been Al Stevens who was a former clerk at the D. C. Court of Appeals, have pointed out that the current caseload down that is going before the D. C. courts for appeal are currently overloading the system. So what I am saying is that by not providing for a third level, for an appellate level, we are doing an injustice to our own system; we are going to overload it or we are not going to have adequate provisions for appeals to be heard.

So I would really urge the Convention to seriously

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throwing this section out and rethinking two-tier versus three-tier, because ---

MR. BALDWIN: Just a second, a point of order has been called. Mr. Cooper has raised a point and checked with the parliamentarian; he says Mr. Cooper is definitely in order.

You can only debate during second reading only when dealing with inconsistencies or when Mr. Cooper [sic] has accepted an amendment, so there is really nothing there to be debated, because you are not dealing with--you have to vote it up or down; in other words, you can't debate. You are talking about going back to the substantive kind of thing, whether you are going to have two tiers, three tiers, and all of that. All of that is in the past.

MS. CORN: Point of order.

MR. BALDWIN: He has ruled and we will abide by his ruling.

MS. CORN: Point of order.

MR. ROTHSCHILD: Mr. President, I will abide by your rule; I seriously think it's unfortunate that we are not going to ---

MR. BALDWIN: Okay, but that's the ruling.

MS. CORN: Point of order.

MR. BALDWIN: Delegate Corn, state your point of order, please.

MS. CORN: Section 3.3(d)(2) says--the section dealing with second reading--Section 1 says "First, the Committee on Style and Drafting will quote inconsistencies, and those can be corrected by the majority of those delegates present and voting." Section 2 says "At this time, further debate by delegates shall be allowed."

Therefore, it seems to me that Delegate Rothschild is in accordance with the rules to debate now and to urge delegates to vote this section down, because of lack of an appellate court.

MR. BALDWIN: The parliamentarian still sticks to his ruling; it says just inconsistencies.

MS. CORN: Well, then, can we challenge his ruling?

MR. LONG: Point of order, Mr. Chairman.

MR. BALDWIN: Delegate Long.

MR. LONG: I believe that under the rules of construction that the way this section is laid out--it is titled "Second Reading"--each of the numbered sections deals independently with the process of second reading, so that Section 2 is not subordinate to Section 1. Section 2 says "At this time, further debate by delegates shall be allowed."

That refers to second reading and not to Section 1. If it were to be subordinate to Section 1, then it would stand as sections (a) and (b) under Section 3, which are subordinate to and explain what Section 3 means.

And I strongly oppose the parliamentarian's ruling that no debate at this time is in order.

MR. BALDWIN: According to parliamentary procedure, the parliamentarian just instructed us: he has ruled that a different ruling is left entirely to this body; if you want to decide you want to debate it section by section, please let this group know and we will proceed on. We are following strict orders according to Robert's Rules of Procedure. Now, if you are saying, well, I don't want to listen to the request of the parliamentarian saying what has been ruled ---

MS. CORN: Point of information.

MR. BALDWIN: It's not a point of information, Delegate Corn. Just let me--I am not through as yet. I am putting something before this body, so that we may resolve an issue--just a second, please.

The parliamentarian has informed me, if the body wishes to appeal at this point, then that would be in order, and you decide on what you want.

MS. CORN: I would like to appeal.

MR. BALDWIN: Is there a second? The motion loses for want of a second. Therefore we will proceed.

VOICE: Second.

MR. BALDWIN: You can't just say second; I asked for it twice.

MR. ROTHSCHILD: I said second.

MR. BALDWIN: You did not, Delegate Rothschild; we heard you; we know when you said second.

Yes.

MS. HARRIS: One of the problems that I am having with this Convention is that we seem to be trying to move to get some business done. This is the third time we have had an appeal from the same delegate; we have had three or four points of order and three or four proposed amendments, and it has just stalled our process.

And it seems to me that something needs to be done to delegates who are just purposefully [sic] stalling the process here this evening by calling for appeals and by calling for points of information that ultimately does not coincide with what's on the floor.

VOICE: Point of order.

VOICE: Point of order.

MS. CORN: Point of order.

MR. T. MOORE: Point of order, Mr. Chairman.

MR. BALDWIN: Delegate Talmadge Moore, Delegate Simmons, Delegate Corn, and then Delegate Rothschild.

MR. T. MOORE: My point of order is this. If we aren't going to comply with the rules that we established previously and if we are going to have extensive debate on the second reading, then we aren't going to finish on time. So I thought we were going to go here and make the minor changes and continue to move--inconsistencies, and things of that nature.

Now, if we are going to go into debate like we did on the first reading, we will be here from now till ---

MR. BALDWIN: Thank you. And the chair will do that; we did it with the preamble, and, as I said earlier, we are not going to change the rules; we will use the same rules as we operated under the preamble, and that is what we did.

So thank you very much, Delegate Moore.

Delegate Simmons?

MS. SIMMONS: Mr. President, would a motion be in order that the conduct of the second reading will be as parliamentary--as Robert's Rules of Order, revised, with the debate being delimited to inconsistencies and those

proposals where a known two-thirds majority?

MR. BALDWIN: The reason I think, Delegate Simmons, that that would be out of order, because we have agreed to just what you said, and we did in fact have a second reading on the preamble. And after we discussed the rules, as Delegate Moore said, we adopted those and said we are going to stick with it. How we got off the track was when Delegate Freeman raised her point--she was out of the room at that time. Then that left other delegates thinking, now, we can change the rules and raise all these points.

So based on what Delegate Moore said, I, for one, as long as I am in the chair, we are going to carry out the rules and we are going to move on.

Delegate Simmons and then Delegate Schrag, and then that's it.

MR. ROTHSCHILD: Point of order, sir, you said I might speak.

MR. BALDWIN: Yes, you may.

MRS. MASON: Mr. President, point of order.

MR. BALDWIN: A point of order has been called for.

MRS. MASON: Mr. President, we have adopted an article which calls for a healthy environment--and there is smoking in this room! I cannot tolerate it, I will not stay

in this room if there is smoke, and if delegates go and stand over the reporters and blow their smoke, it is still violating the Constitution which we are working on, it violates the District of Columbia laws.

MR. BALDWIN: Delegate Rothschild.

MR. ROTHSCHILD: I would like to speak in favor basically of what Delegate Long was saying, that debate is appropriate during the second reading, for this reason: we have been under time pressure, we are still under time pressure, but nevertheless ---

MR. BALDWIN: There was an appeal, and it was lost for want of a second, and we are going to move on.

MR. ROTHSCHILD: Point of order. You never said the motion died for lack of a second.

MR. BALDWIN: I said it twice, sir, so we are moving on.

Delegate Graham, will you proceed? The chair only recognizes Delegate Graham.

MS. GRAHAM: We have Section 2, Supreme Court. Under Section 2, Supreme Court, please look at your old copy 3.2, 3.3, and maybe some of--3.2 and 3.3. Delegate Schrag will discuss what we did with that.

MR. SCHRAG: Mr. President, the Style and Drafting

Committee has throughout this article consolidated several similar sections, and moved paragraphs around from one section to another in order to increase the readability of this article and make it in a more logical order. This is one of the sections where we did that.

We took the Supreme Court parts of two other sections, what had been Sections 3.3 and 3.5, dealing with jurisdiction and composition, respectively, and we consolidated those as parts (A) and (B) of this Supreme Court section.

MR. BALDWIN: Delegate Graham, are there any inconsistencies that you noted in dealing with Section 2?

MS. GRAHAM: I did not notice any inconsistencies. We just made some arrangement. And if you look at it carefully, you will see that the substance is still there.

And I move the adoption of this section.

VOICE: Second.

MRS. MASON: Second.

MR. BALDWIN: Delegate Thomas?

MR. THOMAS: Mr. Chairman, I made the point before, but this is coming back from Style and Drafting; it's not coming back in the order that we sent it to you. I understand you had to do some rearranging. But you are taking

the whole thing out of context. Now, you are a lawyer and I am a layman, and when you bring it back to me this way I can't understand what we did in the first place.

Now, you did it legally, but I thought you should have brought it back to us just the way we gave it to you, and then on the third reading we would do what you have done here. You took 3.6 and 7 and 8 and put it under Transition; you took the paragraphs out altogether.

MS. GRAHAM: Mr. Thomas, will you look at 3.3 and then look at Section 2, Supreme Court, and turn over your old copy and look at 3.5, Composition, Supreme Court, and go back and look at (B), Composition, Supreme Court.

MR. BALDWIN: At this point, Delegate Graham, the Chair would instruct you in the future to share with this body every change that you have made, and at this point we will ask Delegate Blount, who had his hand up--he is chairman of that committee ---

MR. BLOUNT: Just one question. Delegate Schrag and I kept constant contact during the whole time that we were working on this.

MR. SCHRAG: Point of order, Mr. Chairman, nobody can hear the delegate.

[Chairman gavels for order]

MR. BALDWIN: You might as well put your hand down, Delegate Corn, because I will not recognize anyone when someone has the floor; you are not supposed to raise your hand.

MR. BLOUNT: I was saying that Delegate Schrag and I kept in constant contact during the whole time that work was being done on this article, and I can assure the committeemen and the rest of the delegates that no substantial change was made, and if there is some question I am sure that Delegate Schrag can point out the changes, just as the chairperson can also.

MR. BALDWIN: Delegate Blount, the chair would like you to remain up front because after each section I am going to ask a question, and that question is: did you notice any substantive changes in what was presented? Did you, in Section 2?

MR. BLOUNT: No.

MR. BALDWIN: Therefore we will proceed.

MS. HARRIS: I was on the committee, I have a question.

MR. BALDWIN: Delegate Harris. It has to be an inconsistency.

MS. HARRIS: Yes, it is. Point of information to Delegate Graham. Under Section 2, Supreme Court, Jurisdiction,

in the mark-up copy that we adopted April 30th, we struck the words line 13 in the original copy, "to the extent provided by statute," and in this copy you have added "to the extent provided by law," and that line is supposed to have been struck.

Then there was a word added after "decisions," line 12, which stated "The Supreme Court shall have jurisdiction of appeals from decisions of the Superior Court," and the word was added "appeals from decisions initially made by the Superior Court," and that was added, and that does change the content of that sentence.

MR. BALDWIN: Delegate Schrag?

MR. SCHRAG: Delegate Harris, the deletion of the phrase "to the extent provided by statute" was made on my motion, and I explained to the body at the time that what we intended to do was to guarantee the right to one appeal, guarantee the right of every litigant to have one appeal. However, we then noticed that there is a possibility that inferior courts may be created, and if an inferior court is created and there is an appeal permitted from the inferior court to the Superior Court, the right to one appeal does not require a guarantee of a further appeal, a second appeal, to the Supreme Court. Therefore, the words "initially made"

were added to ensure that if you brought your case, if you had your trial, and your first case was heard in the Superior Court, you would have a right of appeal to the Supreme Court, just as we have provided in the exact text we passed in April. However, if you had been granted an appeal from the inferior court to the Superior Court, so you already have had your appeal, and the decision was not initially made by the Superior Court, the text of what we had done last time would not require a third bite at the apple and a chance to exhaust litigants further through step after step in the system.

MS. HARRIS: Delegate Schrag, instead of editing, you are making substantial judgments as to what it ought to be.

MR. THOMAS: Changes.

MS. HARRIS: There is something seriously wrong with that. I have problems in not having read the original-- I was on that committee, and I have problems having not time to read the original mark-up and what you are proposing here, because this is serious change.

MR. THOMAS: That's right.

MS. HARRIS: Things we have deleted, you have put back in. And that wasn't the charge of the committee.

MS. GRAHAM: Mr. Chair, may I say this, that if it's

the wishes of this body, we can use a verbatim statement, here in 3.3 and 3.5. We were trying to put Supreme Court jurisdiction and Supreme Court composition, and if you think substantial changes have been made, we can reorganize that.

MS. HARRIS: That's not what I am saying; that is not the point I am making, Chestie.

MR. BALDWIN: Delegate Graham.

MS. HARRIS: Delegate Schrag understands the point I am making.

MR. BALDWIN: The chair would like to make one observation. We know exactly what the rules say, that only the chairman of this committee can accept those amendments and those changes. It could very well be insisted, since our first article really, because the preamble was just fifteen lines, thirteen or fifteen lines--this is our first article for second reading, I think maybe this body needs to do some thinking about our procedure. Number one, Delegate Blount, the chairperson, said that he stayed in contact with the committee. So what we have, we have some of the committee members disagreeing, saying there are some substantive changes.

Now, I would believe, and it's just an observation, that before we proceed, and definitely as far as any other

article is concerned, the committee needs to go over what Style and Drafting has done, get with them, and see what substantive changes, and when the chairman says we concur or we definitely go along with this, then we would note that he is speaking for the committee.

Mr. Blount, some of your committee members are saying that substantive changes were made, and we are trying to see how we get around that. Are we going to sit and debate them on the floor, are we going to refer this matter back to the committee so your committee can get together? Just where are we?

The chair is not making a rule, I am just making an observation of what seems to be involved here.

Delegate Robinson?

MR. ROBINSON: Mr. President, I am concerned at this point that we have not heard from the legal counsel to this Convention, who is employed to speak and act in our behalf, and who has been aware of the discussion up to this point, and I would like to ask him pointedly: is he pleased with the report or with the article as presented to this body on second reading, and does he have problems with the substantive changes that have been made therein?

MR. BALDWIN: Very good point. Will the general

counsel respond?

MR. THOMAS: First of all, if you read my first legal report on the judiciary article, I didn't have any problem with the way it was written at first, even with the phrase "as provided for by statute." Now the way it reads, "The Supreme Court shall have jurisdiction of appeals from decisions initially made by the Superior court," I believe that sentence is overly general and broad. What are decisions? It does not speak to interlocutory orders and rulings which are given in the midst of litigation, which give the litigant the right to appeal to the Supreme Court right away. It doesn't provide for extraordinary or legal writs which litigants may ask for from time to time, a writ of mandamus, for instance, in which the Supreme Court would make the lower court judge do something or not do something.

And I think that there has to be some provision in here, either as provided by statute or something in which the Supreme Court will have the power to hear the cases [inaudible] now.

In my legal report I recommended certain language, or I recommended one way to do it.

But now I think the language is too broad and too vague: "The Supreme Court shall have jurisdiction of appeals

from decisions initially made by the Superior Court."

Now, that might not directly go, Delegate Robinson, to your question of whether the substantial changes that were made since the last time are legal or illegal, but just looking at the statute as it is now--I mean, looking at the section as it is now, I have a problem with the section.

MR. BALDWIN: Mr. Thomas, that is the only thing we would be concerned about, the exact question that Delegate Robinson asked you. That was Delegate Robinson's main concern; did you note any substantive changes, not exactly what you think or how it should be done. We are only concerned about substantive changes, because at this point, we have certain rules that we have to follow.

MR. THOMAS: The substantive change of "from decisions initially made by the Superior Court" does have the substantive effect earlier stated by Delegate Schrag that it did not have before.

MR. BALDWIN: Well, if Delegate Schrag brought it up--he's a member of that committee, and Delegate Blount today got together--what was the [inaudible] of Delegate Schrag, did he want to amend it and change it or what?

Yes, Delegate Schrag.

MR. SCHRAG: Mr. Vice President, if you will check

the transcript from the evening that this was debated, I came up to the front of the room and made a statement on this very point for the body. I made one statement at the time it was amended; I made a second statement, and this was the key statement. After Delegate Rothschild made a statement at the end of the evening saying that--and before we adopted the section, Delegate Rothschild was arguing against the entire section. He made the point that we had ruled out a three-tier court, and we had clogged the courts and we were going to create too much of a burden for the courts--and he cited a Supreme Court clerk he had talked to. I came up, I was granted permission to speak, and I spoke in opposition to his point, and pointed out that the amendment that I had made earlier in the evening, striking the phrase "to the extent provided by law," would not necessarily clog the courts because inferior courts could be created and a right to appeal, that came about as a result of my amendment, needed only to be granted when cases had been initially made by the Superior Court, not cases that were on appeal to the Superior Court.

Taking that record of that debate into account, the Style and Drafting Committee clarified the language to express the will of this body, so that the language did not

improperly reflect what had not been the meaning of the body would have passed the amendment. This was not a substantive change by the committee, it was an effort by the committee to make sure that the language conformed to the transcript and to the record and to the intention of the body that evening. Far from changing the meaning of the body, we were putting words into the section that would carry out the meaning of the body, and that is the function of Style and Drafting.

MR. BALDWIN: Now, what we have is that a member of the Style and Drafting Committee--the committee, let's deal with the committee--has made some changes. The chairperson of the Judiciary Committee feels that they are not substantive changes; some members of that committee feel that they are. So what is the solution? The solution is this ---

MR. BLOUNT: Who are the members [inaudible]?

MR. BALDWIN: Other than Janet Harris?

MR. THOMAS: I am.

MR. BALDWIN: Delegate Thomas was one that felt that.

Delegate Oulahan, are you attempting to speak to the point? I would like to continue with my observations.

MR. OULAHAN: I will stick to that point. Mr. Chair, I support Chairman Blount and Delegate Schrag. I was

the one who originally drafted the language that came here, and I would just note for the record that in the subcommittee report which was made by Delegate Harris to the committee, it stated, Section 3.1, "The Supreme Court has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Governor, etcetera."

I think the changes that are made by Delegate Schrag are consistent with what the committee came forth with. They also are better actually legally drafted, and will avoid a lot of problems. For example, you cannot limit an appeal from the Superior Court to at least one appeal court, and that is what Mr. Schrag has done.

MR. BALDWIN: Delegate Blount, the parliamentarian has informed me--and I think all of us can see this very simple logic--we have a rule that says only the chairperson can waive--it doesn't say the committee--the chairperson can waive and allow amendments. Now, if the majority--and I think we could do this just by consent--if the majority of his committee present sitting here, you know, if his committee says, well, we just don't go along with our chairman, then I think we should give consideration to that.

MS. HARRIS: That's not for amendments. Point of

information.

MR. BALDWIN: You said "substantive changes," which means the same thing. There is no point of information, Janet. You said substantive changes were made, and that is what we have to deal with.

So only one or two things can happen: we can stick with the rules and let Blount proceed, or we can refer this matter back to the committee, so that once you come back, the committee would be together. But, as the parliamentarian has stated, we have a rule, and the rule ---

MR. BLOUNT: [inaudible].

MS. HARRIS: Point of information.

MR. THOMAS: Point of order.

MR. BALDWIN: Point of order.

MR. THOMAS: Well, go ahead, Janet, first.

MR. BALDWIN: Yes, point of information.

MS. HARRIS: Delegate Baldwin, I understand that we cannot amend anything for second reading, but it seems to me, if the Style and Drafting has worked on a proposal and we on the committee follow it in our original copy, what this body voted on, then it ought to confer. If we voted to take something out, Style and Drafting should not put it back in, and if that is sanctioned by this body, then we

— have major problems from now till May 29th. And that is all I am asking. I am not looking at it and trying to figure what might have been done, but there is an original copy here that was marked up by the Secretary.

MR. BALDWIN: What solution would you suggest we use in correcting this?

MS. HARRIS: I suggest that it goes exactly what the body voted on.

MR. BALDWIN: But I mean on the floor now--that's easy to say--should we refer it back to the committee, or ---

MS. HARRIS: I think Style and Drafting should take it back and bring it back the way we voted on it.

MRS. MASON: Point of order.

MR. JACKSON: Point of order, Mr. Chairman.

MR. BALDWIN: The chair recognizes Delegate Jackson with his point of order, then Delegate Mason.

MR. JACKSON: Thank you. It seems to me that if the Style and Drafting Committee would merely give back its second reading to the committee which has been in charge of the language, and then they would reconvene for a period of a half hour to an hour [inaudible].

MR. BALDWIN: Delegate Jackson, the chair did not understand your point, would you repeat it again?

MR. JACKSON: If there are inconsistencies or something like that, if the Style and Drafting Committee would only take the report that it has and give it to the head of the committee where the committee could reconvene for maybe an hour or so to go over the particular language and see if there are any inconsistencies, and on those points they could merely refer them to the Style and Drafting Committee.

[Inaudible].

MR. BALDWIN: As a policy, you are suggesting, number one, we do that tonight, and that's a procedure kind of thing; and then, secondly, we do that with all the other reports.

MR. JACKSON: Yes.

MS. SIMMONS: I second it.

MR. BALDWIN: What you have heard, and it has been seconded, is a procedure for dealing with second reading. Is there anyone who needs clarification on it, does everyone understand the motion?

Delegate Cooper?

MR. COOPER: This is not a new problem; this is a problem that I have had as Secretary all along with committee who attempt to circulate their own report; they think the report is in circulation, it is not in circulation, and the

rules clearly state how they are to be. So, Mr. Chair, I would hope that you would point out to the chair of Style and Drafting that anything they report out of their committee they should give to the Secretary so that it can be properly circulated in conjunction with our rules. This way there will be no confusion; everyone will know their article is in proper circulation.

MR. BALDWIN: Delegate Robinson?

MR. ROBINSON: Thank you, Mr. Chairman. As Delegate Jackson stated earlier, we did talk briefly about the problem of the bottleneck that the Convention is now facing in terms of members of a given committee who are not in agreement with the work that has been done or completed by the Style and Drafting Committee on matters that have been referred to it prior to the second reading.

Mr. President, I am very concerned that if the proposal as moved by Delegate Jackson is not followed, that it would place the committee chairperson in the position of being one of an autocratic czar, that is, I was very, very disturbed by the statement made by the current chairperson of the Judiciary Committee who stated unequivocally that he would not meeting for one second to consider the inconsistencies that are [inaudible] in the judiciary report as given to us

— tonight by the Style and Drafting Committee.

And I urge my fellow delegates to vote positively for the motion as put forward by Delegate Jackson.

MR. BALDWIN: Delegate Moore?

MR. T. MOORE: Yes, I wanted to make a motion to Delegate Jackson's.

Does this constitute a third reading between the chair?

MR. JACKSON: No, sir. I am [inaudible] the chair of the Convention to just instruct the committee to do something; I am not asking for a rule change or anything.

MR. BALDWIN: That's just a procedure for second reading.

MS. FREEMAN: I have a question.

MR. BALDWIN: Okay.

MS. FREEMAN: My question is, are you only applying the procedure to inconsistencies which are pointed out by the committee that wrote the article to Style and Drafting to work out, or because the article, I think, which was adopted by the whole body at this point, it seems to me that this could be brought to the attention of Style and Drafting [inaudible].

MR. BALDWIN: The sense of the motion was to review

the total article, checking it prior to bringing it to this group for second reading, checking everything--inconsistencies, substantive changes, what have you.

MS. FREEMAN: Thank you.

MR. BALDWIN: Delegate Schrag.

MR. SCHRAG: The proposal by Delegate Jackson is a very sensible proposal. It would be a very, very sensible procedure if we had a month or two months left to go. But I would like to inject an air of reality at this point. Today is the 18th of May. We have eleven days to go in convention, and, as a practical matter, about eight days to go, because it is going to take about three days for final typing, proofing, reordering of the articles into a constitution, checking for final inconsistencies, and preparing the thing for third reading.

In those eight days, the Style and Drafting Committee has scheduled meetings every single day, Saturday after our plenary, and all day Sunday. And we don't see how we are going to keep up with our present agenda, much less take on any further workload.

Let me tell you something about the present work. We have finished our work on the preamble and the judiciary articles; we are half way through the legislative article;

after that we have executive, suffrage, intergovernmental relations, economic development, finance and tax, and then a whole slew of articles that haven't even come to us yet.

And at our meeting today, we voted to inform you that we doubted that we would even be able to deal with anything that came out of first reading after Saturday.

So I think the Jackson amendment, motion, is great in principle; I would be willing, even if you vote for it, to try to live up to it. But as a practical matter I don't see--I think we could do that, but I don't see how we could do it without slighting other things and maybe being unable to complete the constitution.

MR. BALDWIN: Delegates Graham, Croft, and Holmes.

MS. GRAHAM: I would like to say that we do have meetings scheduled, and what we could do is see that you get a schedule of our meetings, and a listing of articles that will be looked at. And we will be happy to have you come. Tomorrow afternoon we are meeting to complete legislation--that will be at 2 o'clock; so if you can be here at 2 o'clock with us, those on the Legislative Committee, I wish you would. And we will pass out a schedule, Mr. President, so everybody will know when we are meeting, and we will be happy for them to be there at the places where we are located.

And we are going to ask your permission to meet at the District Building on Saturday afternoon, after the plenary session, and on Sunday. And we will let you know what articles are being looked at at that time; we will be happy to have you there.

MR. BALDWIN: Delegate Croft?

MR. CROFT: Delegate Jackson's motion is not only sensible, it is also practical. It is practical for this reason. If it doesn't go into effect, we will continue to use up scarce time on the floor raising these kinds of questions. Delegate Jackson has proposed a process by which we can use this period of time in the most advantageous way. If it doesn't go through, these kinds of debates through the back door will continue, these kinds of questions will continue.

Personally, I think that it is not in the interests of this Convention to leave the work of forty-five delegates up to the members of Style and Drafting plus each of the chairs. What Style and Drafting receives is the work of this body, the work of this body. And it would seem to me that at the very least the members of the various committees should have a chance to look at that, and go over it before it comes back to this floor again.

And the last point--I repeat myself--it is also practical. If you just think about the amount of time we have spent today on this question, it becomes practical.

MR. BALDWIN: Delegate Holmes.

MS. HOLMES: Mr. Chairman, I hate to go back to what I said a little while ago about not sending it back. It would be easier if you went back to the committee; the committee could look at it--I know the Style and Drafting Committee's eyes will be crossed by the time they look at all of this--and it would be easier for that committee to look and see where the mistakes are, because, as I said, ten eyes is better than two.

So I think this is what we need to do. As I said before, we should never have turned our committee reports over without checking them for the second time before it goes to finalization.

MR. BALDWIN: Delegate Maguire.

MS. MAGUIRE: I want to speak against this for the simple reason that I feel that the committee's work is done. [Inaudible].

What was done was the work of this body, not the work of one committee, and I know for a fact that the committees I served on, there were some substantial changes made by

— this body and not by that committee. [Inaudible].

I think Delegate Cooper made the best point, that if Style and Drafting would circulate in enough time all the delegates would be able to compare the [inaudible] with the work that was done by this body and not by the committee. The committee's work is done. [Inaudible].

MR. BALDWIN: Delegate Love?

MR. LOVE: Yes, Mr. Chairman. I have two points I have no problem with Mr. Jackson's proposal, as long as we can work out some arrangements that don't delay things. I would also like to say that it would seem to be in order that if somebody wanted to move the original language in place of what Style and Drafting has done to this paragraph, go ahead and do it, I don't think it would be terribly hurt. We would prefer not to, but I think this is one of the few places where you will find there was a change that did fairly make a small amount of difference. And, you know, rather than spend all night arguing back and forth, we might try and [inaudible]. We are trying our best, but the rules don't let us make substantive changes, and if enough of the committee feels they have made changes, go ahead and move the original language, and let's go on.

— MS. HARRIS: Mr. Love, I think that is a good

suggestion, but I just want to point out that there are more than just that one. In looking over the original transcript, where we ask that--the requirements for judicial office at the first of [inaudible] is not included here at all.

MR. SCHRAG: Yes, it is.

MR. BALDWIN: The chair would make this observation and then we will vote. I think the executive committee has the responsibility, and from this point on we will do just this. I think Delegate Maguire had a very, very good point. Why should we come to this session and listen to one delegate over another say what was changed. We are going to do, from this point on, have the official transcript of these sessions, the Style and Drafting will have that in hand, and we will have something to check by; we are not going to accept what one delegate says over another one. You know as well as I know that we have got an official transcript, we are paying on an average of \$500 per night, and we are going to have this in the hands of all committees from this point on.

Question. A motion to terminate debate is in order.

MR. ROBINSON: I move the previous question.

VOICE: Second.

MR. BALDWIN: It's been moved and properly seconded

to terminate debate.

Those in favor signify by saying yes.

[Chorus of "yes"]

Those opposed nay.

[No response]

So ordered. So now we will vote on the Jackson motion.

Would the Secretary read the Jackson motion.

MR. COOPER: The motion by Delegate Jackson is that the chair instruct the substantive committee to reconvene for the purpose of reconsidering or perusing the amendment and proposals of the Style and Drafting Committee as set forth before the second reading.

MR. BALDWIN: I think the key word is the article; he wants the whole thing.

MR. COOPER: The whole article.

MR. BALDWIN: Yes. You have heard the motion. Those in favor of the Jackson motion signify by a show of hands.

MR. COOPER: 17.

MR. BALDWIN: Those opposed.

MR. COOPER: 11.

MR. BALDWIN: Abstentions.

MR. COOPER: 1.

MR. BALDWIN: This will be a short meeting tonight. Therefore, the Jackson motion was carried.

At this time we will refer the judiciary article-- I thought you said as of tonight.

MR. JACKSON: As of tonight, with tonight being up to the consideration of the chair. If the chair deems it necessary to do it tonight, the chair will deem.

MR. BALDWIN: We have a very short session tonight, so the chair will do the following. At the end of our session tonight, I will meet with both committees, the Judiciary Committee and the Style and Drafting, and we will get the necessary [inaudible] and whatever that is needed.

So at this point the judiciary article, second reading, is now referred back to Delegate Blount and his committee.

MR. THOMAS: Mr. Chairman, point of order.

MR. BALDWIN: Yes, Delegate.

MR. THOMAS: Delegate Blount made himself very clear that he wouldn't accept the responsibility. I think it's the chair's responsibility to designate someone on that committee to take his place.

MR. BALDWIN: I heard that and, as you noted, I

stated that I would meet with the committees following the session.

MR. THOMAS: Well, we want that for the record.

MR. BALDWIN: And at that time, that determination --we will deal with that.

The next item on the agenda is the proposed agenda for the remainder of the week. But prior to debating or adopting the agenda, it would be necessary for us to make a rule change. The rule change will deal with--you know, as it stands now, it is three days we must have a report in our hands three days prior to the first reading. If we are going to meet this deadline, then we will not be able to do that. And I will give you some examples. Tomorrow night we have on the agenda the Education Committee and two remaining articles from Local Government. Now, those two remaining articles from Local Government--we have them, and they will be circulated tonight, but, naturally, if we are going to take three days, we wouldn't get to them until about Friday or Saturday.

Housing and Health Services and Inspection will be ready tomorrow night, or the next night, Education, but in order for us to ---

Delegates Schrag, Kameny--we would need to have at least twenty-four hours or forty-eight hours prior to the

reading for the remaining 3 and 2/3rd articles.

So the question remaining is whether or not you want to suspend that rule and allow us a day or a couple of days prior to introducing the remaining articles for first reading, or whether or not you want to still hold out with your three days, seventy-two hours. It's left up to this body.

Love, Robinson, Schrag, and Freeman.

MR. LOVE: Mr. Chairman, first of all I would like to just get a ruling from the chair. If you change the rules, we need a two-thirds vote, or thirty members; we have thirty members present.

The second issue is this ---

MR. BALDWIN: Let me answer one for you at a time. You need two-thirds of those present and voting.

MR. LOVE: All right. My second question is this: Mr. Jackson, was your intent not to have the Judiciary Committee tonight [inaudible]?

MR. JACKSON: For the chair to rule on that, and from now on that the Style and Drafting Committee [inaudible]. You people make simple things complicated.

MR. BALDWIN: I will be very glad to continue with it if the committee feels that they can do their work tonight.

I, for one, would not like to stall the work; if we feel that we can proceed, it's okay with me.

MR. LOVE: I would move that we continue with the judiciary report, section by section, and where there are problems we will pass those by and come back to them. I think there are lots of sections here where there will not be problems.

MR. BALDWIN: Let's see what the body thinks; we will be ruled by the majority.

Delegate Thomas.

MR. THOMAS: I agree that what we should do is get the original version that was passed [inaudible].

MRS. MASON: Mr. Chairman, point of inquiry.

MR. BALDWIN: Yes, Delegate Mason.

MRS. MASON: Is it Delegate Thomas's position that we don't need a Style and Drafting Committee, that we should just allow whatever the committees vote on to be approved at a second and third reading?

MR. THOMAS: No.

MR. BALDWIN: No, he didn't say that.

MRS. MASON: Well, I don't see the point in my spending hours, hours, days, going over--to bring back the same thing, if I think it's wrong. It's a waste of my time

and everybody else's time.

MR. THOMAS: I feel the same way.

MRS. MASON: I don't understand it.

[General hubbub, some inaudible comments]

[Chairman gavels for order]

MR. BALDWIN: Would the committee--and you would know better than we would--like to proceed, with the understanding I guess that you think we won't run into too many more problems. Delegate Jackson made his very clear, he left it up to the chair, as far as he is concerned we can proceed, but we would--my question before this body is whether or not you want to proceed.

MS. SIMMONS: Proceed.

MR. BALDWIN: Delegate Robinson and Delegate Maguire

MR. ROBINSON: Mr. Chairman, I was under the impression--and you will correct me if I am wrong--that you asked this body to consider the suspension of the rules in regards to the time period for circulation, and it was my understanding, sir, that it is this matter that is now on the floor, and it is this matter to which I would like to speak.

But, sir, if you want to clarify and finalize the problems that we are having with the judiciary report, I will defer my comment until such time as you have completed.

MR. BALDWIN: Further discussion, then, on suspension of the rules, and immediately go back to Delegate Mason's concerns and the committee's concerns.

MR. ROBINSON: So we are going to talk now about suspension of the rules?

MR. BALDWIN: Yes.

MR. ROBINSON: Thank you, sir. Mr. President, I stand to first say that I am terribly disturbed by the history of the actions of the executive committee in the name of this Convention. Expediency has become the trademark of the executive committee. They have toyed with the rules, they have disregarded the rules, and they ask for changes in the rules only to serve purposes that they determine, without the advice and consent of this body, that are good for the body.

I am asking you, sir, to defer suspension of the rules until such time that this entire body has considered and determined among ourselves that we would like to have the suspension of the rules in order to facilitate and expedite the convention process that we are here ---

MR. BALDWIN: Everything comes back to the body. but I think what we should share with you--and I mentioned it last night but you were not present--is that we have completed the first reading of six and one-third articles.

— We have remaining, Delegate Robinson, three and two-thirds committee reports.

MR. ROBINSON: First reading.

MR. BALDWIN: Yes, first reading. So let me tell you what the dilemma is--and I am sure you would be equally concerned about it as the executive committee. Unless some action is taken, this committee could not meet tomorrow night, this committee--meaning the Convention--could not meet Thursday night, this Convention could not meet Friday night. So we as a body should be able to tell. Now, why am I saying we could not meet? We could not meet because the Education Committee would not have been circulated three days; we could not meet because the two articles from the Local Government have been circulated for three days [sic]; we could not meet because the Bill of Rights would not have been completed and circulated for three days.

So I would ask you, Brother Robinson, what would you propose that this body do while we are waiting to observe the three-day rule? You do not have any second readings. So that is the problem this body is in, and that's why the Style and Drafting was trying very hard to complete this judiciary article tonight.

— So that is the problem we are in, and I think we as

a group collectively should deal with that, and not be so quick to accuse someone of wanting to change the rules. The problem is that those reports aren't ready, and if they are not ready, then what do you do?

Now, those are the problems, and especially keeping in mind that on May the 29th we will cease operation; nothing will go beyond May the 29th. And at the pace we are going, and based on what Style and Drafting said, unless we have those three and two-thirds committee reports remaining in their hands by Monday, they cannot in fact have anything ready for the 29th, and this body would close business on May the 29th without a constitution.

So I would like at this point, for those of you-- and you could always be critical, but to come up with some projection as to how we can meet this problem. And I am going to jot down your names, and I hope when you raise your hands you are going to try to come up with something constructive if you are concerned about the problem.

Delegate Robinson, would you like to respond?

MR. ROBINSON: Well, first of all, Mr. President, I was not fully apprised of the seriousness of the matter; I did not realize that we were in the condition that has been so expressed. With that appraisal [sic], I will then change

my opposition to suspension of the rules in order to allow the limited--reduced time for circulation.

However, Mr. President, I would ask you to instruct or to give a specific time frame for the first reading, second reading, and third reading of all of the committees. I would also remind you, Mr. President, that the original report submitted by the Rules and Calendar Committee did lay out to this body a structured time frame procedure for all of the committees and their first, second, and third reading, and looking back in retrospect, sir, I would say that had we followed the report as prescribed by Rules and Calendar I daresay that we would not be in the position that we find ourselves today.

MR. BALDWIN: Last Tuesday night [inaudible] and adopted a schedule. Had we followed it, we would have completed the drafting and framing of this constitution on time.

Delegates Schrag, Freeman, and Harris.

MR. SCHRAG: Mr. President, I rise only to correct one small point, as a member of the Local Government Committee. One of the statements you made was inaccurate, and I just want to correct it for the information of the delegates. There are two remaining articles to come from the Local Government Committee; one called local government has been

completed by this committee, and one called transition, which was deferred by the committee until we had most of the constitution in hand so that we could draft it with the rest of the constitution in mind, because you have to have the rest of it before you can know what the transition is going to look at. That transition article has not yet been voted out of committee.

I talked to Chairman Nahikian today, and she said she was hoping for a committee meeting on Thursday to approve that article. But that will not be ready until Thursday, it will not even be approved by the committee until Thursday at the earliest.

MR. BALDWIN: The executive committee met and decided that it is no longer left up to the committees now; whether the committee has voted on it or not, we are going to draft and frame this constitution by the 29th. Those two articles from Local Government, we are not going to sit here and wait for them to meet Thursday; we have the material. Whether you like it or not, that is something else. We are trying to complete our work. So the delay, why would she wait until Thursday to meet? Today is Tuesday.

MR. SCHRAG: She is busy between now and then, I believe.

MR. BALDWIN: Well, the majority of you could meet. But, anyway, we will not wait till Thursday for that committee to meet, and we have it in our hands and we are going to put it on the agenda even if this body has to go into what is called a committee of the whole.

Delegate Freeman.

MS. FREEMAN: Mr. Chair, I move to suspend the rules to reduce the amount of time of circulation for the articles which are outstanding. I would also in the same motion, however, move to suspend the rules which would require for amendments on second reading to be submitted to the committee in advance.

MR. BALDWIN: The chair would prefer that you keep those two separate.

MS. FREEMAN: I would like to explain why I cannot.

MR. BALDWIN: No, they are not related.

MS. FREEMAN: They are very related. The reason why I am connecting them, Mr. Chair, is that one of the reasons why there are three days during which time we circulate the articles is to give delegates an opportunity to thoroughly review the articles and to consider making amendments, to submit those amendments to the committee, etcetera, whereas

if we do in fact reduce the amount of time for circulation of articles, I think we will have to make up for that by allowing delegates to basically think on the spot, because that is what we are subjecting ourselves to by reducing the reading period.

MR. BALDWIN: The chair interprets what you are attempting to do as there again to violate another rule, because why would you [inaudible] and let them come up with amendments, and that was [inaudible] anyone felt then that this motion passes, that they can in fact come to the second reading with amendments, and that is not according to our rules.

MS. FREEMAN: But I move to suspend the rule.

MR. BALDWIN: That is why we are going to vote on it separate.

VOICE: It was never seconded, Mr. Chair.

VOICE: Second.

VOICE: I'll second it.

MR. BALDWIN: It was seconded, and we will deal with it as two separate and distinct items. One deals with suspension of the rules so that we can take care of our backlog, that is, the turnaround time for circulation; the other one, separate and apart, deals with amendments to second

reading.

MR. LOVE: Point of order, Mr. Chair.

MR. BALDWIN: State your point of order.

MR. LOVE: Mr. Chair, it appears to me that the chair is moving towards a division of the question, in which case we need to vote on it.

MR. BALDWIN: You are correct; that is exactly how we will handle it, by voting on it.

Those in favor of a division of the question that was put before us--whether or not you want to vote on them separately or whether you want to vote on them together--if you are in favor of a division, signify by saying yes.

[Chorus of "yes"]

Those opposed.

[A few "noes"]

Abstentions.

[No response]

The yeses have it, and we will divide the question.

Ms. Harris?

MS. HARRIS: I wasn't sure, Delegate Baldwin, that the motion spoke to the time in terms of suspension of the rules, and I would like to urge delegates to vote for two days so that we can all articles completed this week.

VOICE: One day. . .

MS. HARRIS: One day, I will be happy to amend that to one day.

One of the problems that we are dealing with is that we have several committees which have not reported out, and I think that at this time this body needs to seriously urge those committees who have not voted out to vote out so we can move and get the first reading done this week.

MR. BALDWIN: Maybe it's necessary to repeat it again. The chair said many, many times Education work is completed, they are ready.

MR. KAMENY: The reports are in your boxes right now.

MR. BALDWIN: Human Services is ready. The only problem that has prevented them from coming before this group is the three-day rule, and that is all we should be talking about; that's the only problem that prevents them from coming to this group.

Delegate Lockridge can, if the rule is changed, present education tomorrow night.

MS. LOCKRIDGE: Certainly, because we only have four sections and ---

MR. BALDWIN: Right, it's only seven pages.

MR. COATES: Mr. President, point of order.

MR. BALDWIN: Delegate Coates.

MR. COATES: A motion to suspend is not debatable. We ought to vote on this divided question to set the circulation time as one day.

MR. BALDWIN: Point well taken. Those in favor of the circulation time being reduced from three days to one signify by a show of hands.

MR. COOPER: 20.

MR. BALDWIN: Those opposed.

MR. COOPER: 2.

MR. BALDWIN: Abstentions.

MR. COOPER: 3.

MR. BALDWIN: The motion is adopted; therefore, we now have two and two-thirds committee reports that would be available for meetings tomorrow night and Thursday night.

Now, the second part of your ---

MR. LOVE: Could we have the order of those, Mr. Chairman, the order of consideration for tomorrow night.

MR. BALDWIN: Tomorrow night we have scheduled education and the two articles from Local Government, Transition and Local Government. Thursday night we have health, housing and human services, and if we don't complete tomorrow

night those two Local Government, we will take that up.

But the goal is to complete both the two and a half articles by Thursday night.

Friday night we will begin with the Bill of Rights.

We still have the second part of our motion; we have adopted one part of it. Now we should move to her second part without any debate.

MR. LOVE: Mr. Chair.

MS. CORN: Mr. Chair, I had my hand up for ---

MR. BALDWIN: There is nothing to discuss, you can't debate.

MS. CORN: There sure is.

MR. BALDWIN: You are saying there is and the chair is saying there is not.

MR. LOVE: I would like to make an amendment, Mr. Chair. Is it out of order?

MR. BALDWIN: At this point, Mr. Love, we have adopted the first part of her motion; now we are getting ready to put her second point, it is not debatable.

MR. LOVE: I would like to make an amendment to the second part.

MR. BALDWIN: As Delegate Coates pointed out, it is not debatable and he can't amend it. And the only thing we

can do with this second part, delegates, please is let's vote on the second part of her motion.

MR. LOVE: Point of order.

MS. FREEMAN: I withdraw that.

MR. BALDWIN: She has withdrawn, so nothing is on the floor.

MR. LOVE: I would like to move an amended version, Mr. Chair.

MR. BALDWIN: The chair recognizes Delegate Love.

MR. LOVE: Mr. Chair, I would like to move that amendments to second reading are in order only if they come signed by ten delegates.

VOICE: Second.

MR. LOVE: It's my feeling that if you can get the support of ten delegates, that you should be able to bring it up in front of the body.

Now, I move that no amendment in second reading will be in order unless it is signed by ten delegates.

MR. BALDWIN: What Delegate Love is proposing is a suspension of the rules, it is not debatable, it has been second, so the only thing left to do is to vote, and be sure you understand this motion: his motion is that in order to amend a second reading, you would need the concurrence or the

signatures of nine other delegates, a total of ten in all, in order to bring forth an amendment. That is the motion.

We shall now vote. All of those in favor of that motion, signify by a show of hands.

MR. COOPER: 8.

MR. BALDWIN: Those opposed.

MR. COOPER: 16.

MR. BALDWIN: Abstentions.

MR. COOPER: 1.

MR. BALDWIN: The motion was rejected.

MS. LOCKRIDGE: Point of information, please.

MR. BALDWIN: Delegate Lockridge, point of information.

MS. LOCKRIDGE: Since this delegation has voted that education will be first tomorrow, may I ask please the true starting time?

MR. BALDWIN: Starting time has been set at 4 o'clock, and will continue to be 4, and we will start when twenty-three delegates are here.

As you know, our procedure, Delegate Lockridge, is that at 4 o'clock--and we adopted this rule, if one of the vice presidents is present who can call the meeting to order, you may begin. We will have the question and answer period,

and then follow with the meeting.

MR. COOPER: Delegate Lockridge has indicated that education is in our boxes tonight.

MR. KAMENY: Yes, right now.

MR. COOPER: And the article from Marie on local authority has been submitted, but that is all that has been submitted thus far, so we really can't guarantee any other article as of yet.

So far those are the only two that have been submitted.

MR. BALDWIN: The executive secretary has informed me--I thought I was right--that we do in fact have copies of the two articles from Local Government, and we can carry out the mandate of the executive committee. I understand what the committee said, they have not voted on it; but we will in fact tomorrow night, if time permits--and we might not get to it, who knows--but it is in your boxes.

Delegate Long.

MR. LONG: Mr. Chair, when will it be in order to make a motion to request the City Council for an extension of time, as they are willing to do by this morning's Washington Times quote by [inaudible] Dixon?

MR. BALDWIN: In talking with Delegate Mason--and

— she can speak for herself--I don't think a motion from this body now would do any good.

Delegate Mason, when would it be possible to ask for an extension?

Let's listen to Delegate Mason, please.

MRS. MASON: Mr. Chairman, I don't know how to answer that question, because the body has already voted and has transmitted to the Council that the body does not wish an extension of time. There is no money; there is no money to pay stipends for anybody. And Mr. Dixon was speaking for himself and not for the other Council members, no more than you speak for the whole delegation. I cannot say.

On next Tuesday we have a legislative session. That means you have got to try to get enough votes in the Council to go ahead, and it has to be based on an emergency; if it doesn't go the emergency route, the Congress won't have it, [inaudible] before it can go through Congress.

And there isn't any money.

MR. BALDWIN: I think that answers your question, Delegate Long.

Delegate Corn.

MS. CORN: About two weeks ago, in order to clarify the situation on the second reading, I had requested of

President Cassell that after each first reading is finished and the motions are made and amended on the floor, that a complete copy of the amended document be produced and Xeroxed forty-five times and put in each delegate's box so that when you come up to second reading, you can look at the document as it was actually passed on the floor to understand which amendments were passed, which ones were not--the ones that weren't won't appear in that document--so there is no confusion as to this was passed, this wasn't passed, what actually did happen. And then you could compare it with Style and Drafting's version so you could clearly understand what Style and Drafting did.

President Cassell agreed to that procedure. That is the reason Dr. Austin is sitting up there now so that he gets the complete corrected version so that it is not tainted by any delegate's point of view or changed by any delegate. Unfortunately, that procedure was not in place when the judiciary article was started. It was in place by the time of the legislative article and thereafter.

However, it was agreed upon that once they went through the transcripts of the executive article and the judiciary article, they would keep together exactly what happened, and that would be [inaudible] forty-five times.

That has not been done. I do not understand why it has not been done.

Apparently there must have been some change, because Dr. Austin agreed to do it, President Cassell agreed it should be done, and that is where it was left.

And so I would move that that procedure always be followed.

MR. BALDWIN: The First Vice President has answered what the procedure will be from now on as far as having duplication of first reading, and that is we will use the copying and pass it on to two committees, and you heard our treasurer's report tonight, we do not have that type of money, Delegate Corn, to make all those duplications.

Delegate Robinson.

MR. ROBINSON: Mr. President, I would like to ask my fellow delegates to please give me the respect of listening to me for one second.

[Chair gavels for order]

It appears that we are in our eleventh hour. The fear that permeates this hall is rampant. And I ask my fellow delegates to consider meeting on a daily basis in order to beat the clock that is ever present from 1 p.m. to 10 p.m. If we can get a commitment for the last ten days of

— this session to meet from 1 p.m. in the day until 10 p.m. at night, then we will not have the fear of not being able to complete this document on time.

And I believe that we can make the sacrifices to meet at such time to complete this document in a timely manner.

I will finally say, failure to complete this document on time as per legislative, will make us the laughing-stock of the world--not of Washington, D. C. And it is a small amount to ask of forty-five elected persons, to give a half day of their work day for the last ten days of this Convention in order to complete and give to the people of this city a document that will be worthy of their consideration.

MR. THOMAS: Second.

MR. BALDWIN: Delegate Mason.

MRS. MASON: Mr. Chairman, that is a very forceful speech. I would like to say that I have been putting in hours on top of hours in this Convention; I have missed only one session, and that was the legislative session night of the Council. I have attended all the committee meetings of which I am a member, including Style and Drafting, and we have gone beyond the call of duty.

I have been here today, Mr. Chairman, since 3:30, And if we don't do any more on the other days that we come here at 1 o'clock than we have done today, I don't know what difference it will make. And I am willing to stay all day and camp in, but if we don't do more than we did today--I felt surely we would have gotten through more than we got through today.

The thing that bothers me is that even though we know--and I think a third-grade student would know this--even though we know that our time is running out, we are still using the same tactics, the same ploys, that we used when we were learning how to work with each other. And I put it in that frame because I think people have got to learn how to work together. And by this time we should know how serious it is--and we have not taken it very seriously. We act like we are playing with a tool--and this is not a tool. We are playing with the future of the District of Columbia residents, the future of the people of this District of Columbia, and it is very serious, and I am very concerned that we have not taken it in that way. That doesn't mean that some people have not, because some have, but it really is a serious issue.

[Scattered applause]

MR. BALDWIN: I am sure, Delegate Mason, you realize--and you even alluded to it--and I know I am sure-- whenever we reconvene and start discussing second reading, there will be amendment after amendment after amendment after amendment, and, as you say and you know and I know, nothing this body is going to do to stop them until they decide themselves they won't. They will find all kind of loopholes that say we must amend, we must amend; they will do it up to third reading. And on the final day, May the 29th, we will not have a constitution adopted by this body.

And that appears to be the way we are headed. And I, too, thought tonight we would have completed the judiciary on second reading--I thought that.

But that article tomorrow night, seven pages, I would wage we will spend three hours getting through education. And it doesn't matter about the time, it seems. We have been doing this now for the last three weeks, calling attention to the time, and it's running out on us. We don't even have ten days now.

And it is pathetic, and I know I, for one, feel terrible about it, but those are the facts.

MRS. MASON: You have done a good job, Mr. Chairman.

MR. BALDWIN: We can move through the next three

nights and have the Bill of Rights Friday night and complete Bill of Rights Saturday only if this body wants to do it. And we keep saying that: we could complete all the first readings by Saturday at 5 p.m. if we set that as a goal, and then allow Style and Drafting all of next week to come in with that second reading, and the last day do our third reading and sign off on it. That is still within our grasp.

But you know and I know, and they know I will call names, and they will do the same thing, the people sitting present now will not allow us to do it. They feel the need --they know what the rules said about second reading; we feel a need to amend. And so I, for one, Delegate Mason, I don't know the answer; we'll just let the clock tick out and see where we are on May the 29th. But it can be done, it is within our grasp, we have scheduled for the next three nights, and if we would come in with a sense of purpose we can in fact approve education and those two articles that is left from Local Government; Thursday night we would go into housing and human services; Friday nights Bill of Rights--and they would be ready to start their debate, and we would have all Friday night and all Saturday from 10 o'clock to 5 on Bill of Rights, and we could get it in.

Delegate Nixon

MR. NIXON: Mr. President, I am concerned that we meet on Sundays, realizing that Sunday is the Lord's day, but I am sure the Lord doesn't mind that we are here working on something that will help better life for the citizens of the District, and we should utilize Sunday some type of way. You know, speaking of our concerns, realizing that we have until next week to finish.

So we should figure out some way to use Sunday, whether it's for Style and Drafting, whether it's for adopting articles or something--we must utilize that time.

MR. BALDWIN: Well, I would suggest, let's keep the faith, let's not give up, and let's just still try and complete it by the 29th.

Delegate Moore.

MR. T. MOORE: Mr. Chairman, I think we have instituted some emergency rules to expedite this Convention a couple of days ago, and I believe if the chair would adhere to those emergency rules to limit debate and things of that nature, I believe we will get by. I just think the chair should use a strong arm. I don't know whether this would be [inaudible] the democratic process, but we know what the ultimate time limit is, and I think we should move this Convention; and if people get enough of these unnecessary

amendments and dilatory tactics, I think you should just move on them and keep on moving.

And I think we have enough time, providing all the delegates will cooperate.

And one of the final statements, reference in Mr. Robinson's statement about coming in at 1 o'clock, we can't get here at 4 o'clock. I have been coming every day almost at 4 o'clock, so I decided to start coming in at 5:30 like everybody else.

So I just think we should move on those rules that we have adopted, those emergency rules, and disregard all these other additional amendments.

MR. BALDWIN: Delegate Schrag.

MR. SCHRAG: I am struck by the disconnect between this body's statements about how it is going to get on with the work, and what it did tonight in two ways with respect to the report before it. One way was to throw another procedural obstacle in the road of finishing, and that is a new required meeting between Style and Drafting and the substantive committee before an article could be brought to the floor, so there is a new procedural roadblock to completion.

And, second, when you had an article before you and the committee ready to report on it, you have so little trust

that that committee, which every day worries about changing the meaning of the article, and every day concentrates on being sure, and every member yells at every other member about being sure that we are not changing the meaning, that we are being true to the intent of the body--you have so little trust in that process, which you have very rarely come to observe, and nobody from the Judiciary Committee came to observe, that you threw out the product that we had for you, and you made it very indefinite how we are ever going to get together with judiciary and come back and get back on the floor.

And so I am very surprised at the disconnect between--the dissonance between what you say you want to do, and the way you have treated the committee report before you.

MR. BALDWIN: Delegate Harris, Delegate Cooper.

MS. HARRIS: Thank you, Delegate Baldwin, I would like to speak to Delegate Schrag's statement. Number one, as most of you know, I am not involved in throwing road-blocks, but I am very much concerned to read a document that I helped write that has been rewritten without having the other document to be sure in my own mind that what is being presented is in fact what we voted on. And when I see a statement that we have voted to leave out in, I do have very

serious problems.

MR. COOPER: Mr. Chair, if there be no further testimony, I move that we adjourn.

VOICE: Second.

VOICE: Second.

MR. BALDWIN: I think, before we adjourn, I believe if we can get twenty-three delegates out of the forty-five that the committee can move this on, and we will call ourselves a committee of twenty-three, and we will be here every time that we have to be here, and we can in fact-- that's a majority--move the thing forward.

Delegate Graham.

MS. GRAHAM: I would like to say that Dr. Austin can give us copies of the judiciary report, what happened on the floor that night, I think he can, and we can have it in front of us to look at so we can see the changes that have been made. We didn't have that tonight, but I thought that we could understand quite well what we said at first and some of the [inaudible], that there would be no problem.

MR. BALDWIN: Delegate Thomas.

MR. THOMAS: Mr. Chairman, I just wanted to clear the record about what Mr. Schrag said. Mr. Schrag, I did not come here to obstruct anything; I came here to help write a

constitution--that is what I am about.

But when I saw what was happening tonight, I could not go along with it. That is why I did what I did. Now, I didn't come here to obstruct; I came here to work with the rest of you. And I am sorry that you made that statement.

MR. BALDWIN: Style and Drafting and Judiciary will meet right here, once we adjourn.

Thank you.

[The meeting adjourned at 8:58 p.m.]